

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION

JARELL D. TERRY
ADC #149998C

PLAINTIFF

v.

No. 2:19-cv-134-DPM-JTR

J. DYCUS, Deputy Warden, East
Arkansas Regional Unit Max, ADC, *et al.*

DEFENDANTS

ORDER

On *de novo* review, the Courts adopts the recommendation as modified, *Doc. 77*, and overrules Terry's objections, *Doc. 91*. FED. R. CIV. P. 72(b)(3). The Court agrees with Magistrate Judge Ray's decision to address exhaustion first. *Jones v. Bock*, 549 U.S. 199, 219 (2007). If he has exhausted his administrative remedies, Terry will have ample opportunity to make his case—including discovery and an argument on the merits.

Terry's motion for partial summary judgment and motion for judgment on the pleadings, *Doc. 47 & Doc. 62*, are denied without prejudice. An *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

15 January 2021